

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

Sheniqua Carr,)	
)	
Plaintiff,)	
)	Civil Action, Case No.: _____
v.)	
)	JURY DEMANDED
Electrolux Home Products, Inc.,)	
)	
Defendant.)	

**VERIFIED COMPLAINT FOR VIOLATION OF
THE FAIR LABOR STANDARDS ACT**

COMES NOW Plaintiff Sheniqua Carr (hereinafter referred to as “Ms. Carr” or “Plaintiff”), by and through counsel, and for her Complaint against Defendant Electrolux Home Products, Inc. (hereinafter “Electrolux” or “Defendant”), states and alleges as follows:

NATURE OF THE CASE

1. Ms. Carr brings this action under federal law, specifically the Family Medical Leave Act (FMLA), 29 U.S.C. §§ 2601, *et seq.*
2. The practices of Electrolux were and are in direct violation of the FMLA.
3. For said violations, Ms. Carr seeks declaratory relief, back pay, front pay, liquidated and/or other damages permitted by applicable law, as well as attorney’s fees, costs and expenses incurred in this action.

PARTIES

4. Ms. Carr is a resident of Memphis, Shelby County, Tennessee.
5. Upon information and belief, Defendant is a North Carolina-based corporation licensed to conduct business in Memphis, Tennessee, and may be reached for service through its

Registered Agent: CT Corporation System, 300 Montvue Road, Knoxville, TN 37919-5546.

JURISDICTION AND VENUE

6. This Court has original federal question jurisdiction pursuant to 28 U.S.C. § 1311 because this case is brought under the Family Medical Leave Act, 29 U.S.C. §§ 2601, *et seq.*
7. This Court has specific personal jurisdiction over Defendant because Defendant conducts business in Memphis, Tennessee, in this Judicial District.
8. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to Ms. Carr's claims occurred in this District.
9. At all relevant times complained of herein, Defendant was an employer as contemplated under the FMLA, 29 C.F.R 825.104(a).

FACTUAL BACKGROUND

10. Ms. Carr began working for Electrolux on December 9, 2013 as a Fork-lift Operator.
11. In March of 2020, Ms. Carr was furloughed by Electrolux as part of a plant wide shut down.
12. On or around June 15, 2020, Ms. Carr visited her doctor due to feeling ill and her doctor advised her not to return to work until July 6, 2020. Ms. Carr was still on furlough at this time.
13. Ms. Carr received a letter on or about June 20, 2020 from Electrolux, dated June 16, 2020, informing her that she should report for work on June 22, 2020 or she would be terminated.

14. Ms. Carr contacted her HR Director, Diana Jarret, to inform her that she would need additional time off at her doctor's direction due to her medical condition.
15. Ms. Carr was informed by Ms. Jarret that she would need to contact the company's FMLA administrator.
16. Ms. Carr was given no contact information for the FMLA administrator.
17. Ms. Carr spoke with a Payroll Specialist, Vivian Richmond, later that week who informed Ms. Carr that she had been terminated due to COVID-19 and that she would receive a letter explaining her termination.
18. On or around June 27, 2020, Ms. Carr received a letter stating that she had voluntarily resigned without notice.
19. Ms. Carr had been terminated in 2015 by Electrolux under similar circumstances of the company mishandling her FMLA claim. Ms. Carr was ultimately reinstated by Electrolux who declared it a misunderstanding.

COUNT 1
VIOLATION OF THE FAMILY MEDICAL LEAVE ACT

20. Ms. Carr realleges and incorporates all allegations above as if actually set forth herein.
21. Ms. Carr was an employee who was eligible for FMLA leave.
22. Ms. Carr notified her employer that she was requesting medical leave.
23. Ms. Carr's employer was aware of her medical leave.
24. Electrolux violated the Family Medical Leave Act, 29 U.S.C. § 2615(a)(1), by wrongfully interfering with Ms. Carr's right to return to work, and owes Ms. Carr just compensation.
25. Electrolux further violated the FMLA by retaliating against Ms. Carr for exercising her FMLA rights by terminating her employment, and owes Ms. Carr just compensation.

PRAYER OF RELIEF

WHEREFORE, Ms. Carr prayd for relief as follows:

1. A declaratory judgment that the practices complained of herein are unlawful under the FMLA;
2. Pre-judgment interest, as provided by law;
3. An award of money damages for unpaid wages, including back pay, front pay, liquidated and/or other damages permitted by applicable law, in an amount to be determined at trial;
4. Attorney's fees, costs and expenses incurred in this action.
5. Any and all such other and further legal and equitable relief as this Court deems necessary, just, and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all causes of action and claims with respect to which she has a right to jury trial.

Respectfully submitted,

s/Phillip E. Oliphant
Phillip E. Oliphant, TN Bar No. 025990
Alan G. Crone, TN Bar No. 014285
THE CRONE LAW FIRM, PLC
88 Union Avenue, 14th Floor
Memphis, TN 38103
901.737.7740 (voice)
901.474.7926 (fax)
poliphant@cronelawfirmplc.com
acrone@cronelawfirmplc.com
Attorneys for Plaintiff

DECLARATION AND VERIFICATION

I, **Sheniqua Carr**, verify and declare that the facts stated in the foregoing Verified Complaint to the best of my knowledge and belief are true, and that the Complaint is not made out of levity or by collusion with the Defendant, but in sincerity and truth for the causes mentioned in the Complaint.

Sheniqua carr

Sheniqua Carr

09 / 16 / 2020

Date: _____



Audit Trail

TITLE	Carr - Complaint to review/verify
FILE NAME	Complaint Final.pdf
DOCUMENT ID	3d76a813208861ebd11bcff261e9173d9d4123d9
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Completed

Document History



SENT

09 / 16 / 2020

17:42:11 UTC-6

Sent for signature to Sheniqua Carr (csheniqua@ymail.com)
from jlc@cronelawfirmplc.com
IP: 73.177.108.241



VIEWED

09 / 16 / 2020

17:45:07 UTC-6

Viewed by Sheniqua Carr (csheniqua@ymail.com)
IP: 73.91.206.225



SIGNED

09 / 16 / 2020

17:45:35 UTC-6

Signed by Sheniqua Carr (csheniqua@ymail.com)
IP: 107.77.235.226



COMPLETED

09 / 16 / 2020

17:45:35 UTC-6

The document has been completed.